

REMARKS

Claims 1-16 are pending in this application. Claims 1-16 are rejected.

Responsive to the rejection of claims 1-3, 5, 6, 8-11, 13, 14 and 16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0075639 (Lechot), Applicant hereby submits an attached affidavit under 37 C.F.R. 1.131, traverses this rejection, and submits that claims 1-3, 5, 6, 8-11, 13, 14 and 16 are in condition for allowance.

As indicated in the attached affidavit, the present invention was conceived prior to January 16, 2002 which is the filing date of Lechot '639. Therefore Lechot '639 is eliminated as a prior art reference under 35 U.S.C. § 102(e) relative to the present invention, which overcomes the above stated rejection.

Further, Lechot '639 discloses a cutting shell 12' (Figs. 3A-4) on which are located a series of doubly-curved cutting teeth 16' thereon of a quantity to substantially reduce a cutting pressure on each tooth as well as to reduce a size of a typical chip generated upon cutting. Substantially all the teeth 16' each have a matched arc cutting edge 20' of substantial length that has a cutting profile which substantially matches a profile of a shape to be cut. The matched arc cutting edge 20' is adjacent secondary cutting edges 21' supported by adjacent rise portions 29', characterizable as gusset or buttress portions, which curve back toward the cutting shell 12' and support the secondary cutting edges 21'. The overall cutting edges 20' are therefore doubly-curved in that at least two distinct curves are required to define each cutting edge 20'. (Page 2, paragraph 0026.) Although cutting edge 20' appears flat in the figure, it actually follows the contour of the surface to be cut, in this case, a hemispherical surface. In this embodiment, radius R of cutting edge 20' matches the radius of the surface to be cut. (Page 2, paragraph 0027.)

In contrast, claim 1 recites in part: "each said segment having a radius which is less than the radius of the distal face ..." (of the reamer). Applicant submits that such an invention is

neither taught, disclosed or suggested by Lechot '639, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Lechot '639 discloses a cutting shell with a cutting edge which matches the radius of the surface to be cut. The cutting shell cuts a radius greater than or equal to the shell radius. Therefore, the cutting edge of Lechot '639 has a radius which is greater than or equal to the shell radius. Lechot '639 fails to disclose or suggest each segment having a radius which is less than the radius of the distal face.

An advantage of the present invention is that the configuration of the cutting teeth provides for a smoother cut of the bone.

For all of the foregoing reasons, Applicant submits that claim 1, and claims 2, 3, 5, 6 and 8 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Similarly, claim 9 recites in part: "each said segment having a radius which is less than the radius of the distal face ..." (of the reamer). (Emphasis added). For all of the reasons given above with regard to Claim 1, Applicant submits that claim 9, and claims 10, 11, 13, 14 and 16 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

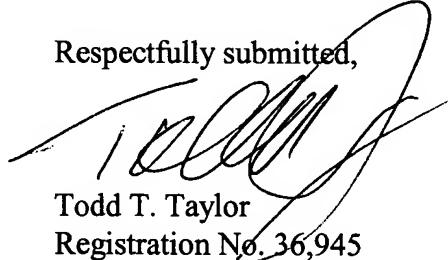
Responsive to the rejection of claims claims 4, 7, 12 and 15 under 35 U.S.C. § 103(a) as being obvious by U.S. Patent Application Publication No. 2005/0075639 (Lechot), Applicant submits that Lechot '639 has been eliminated as a prior art reference as stated above. Further, Applicant submits that claims 4, 7, 12 and 15 depend from claims 1 and 9 which are distinguished from the prior art including Lechot '639. Therefore, any dependent claims, including claims 4, 7, 12 and 15, are distinguished from the prior art including Lechot '639. For all of the foregoing reasons, Applicant submits that 4, 7, 12 and 15 are now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicant submits that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicant respectfully requests withdrawal of all rejections and allowance of the claims.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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Attorney for Applicant

CERTIFICATE OF MAILING

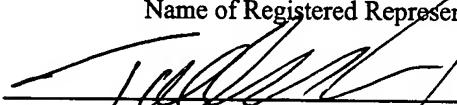
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: December 22, 2005.

Todd T. Taylor, Reg. No. 36,945  
Name of Registered Representative



Signature

December 22, 2005

Date